

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

SCOTT AND RHONDA BURNETT, RYAN
HENDRICKSON, JEROD BREIT, SCOTT
TRUPIANO, JEREJMY KEEL, HOLLEE
ELLIS, and FRANCES HARVEY, individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

THE NATIONAL ASSOCIATION OF
REALTORS, REALOGY HOLDINGS CORP.,
HOMESERVICES OF AMERICA, INC., BHH
AFFILIATES, LLC, HSF AFFILIATES, LLC,
RE/MAX LLC, and KELLER WILLIAMS
REALTY, INC.,

Defendants.

Case No.: 4:19-cv-00332-SRB

Judge Stephen R. Bough

**DEFENDANTS' PROPOSED JURY INSTRUCTION
REGARDING SETTLING PARTIES**

On October 10, 2023, the Court directed the parties to submit proposed jury instructions that would disclose the fact that Anywhere Real Estate Inc. and RE/MAX LLC have settled the claims against them. (Doc. 1210.) The Defendants have moved the Court to reconsider that order and have submitted a proposed instruction explaining that Anywhere and RE/MAX are both alleged co-conspirators and the jury should not speculate as to the reasons for their absence from trial or hold that absence against any other party. (Doc. 1211 and 1213.) Without waiving their motion for reconsideration and in compliance with the Court's October 10 directive, the Defendants submit the attached proposed alternative jury instructions that would disclose the fact

of settlement to the jury while also cautioning the jury that such settlements are not evidence of liability and should not be considered for that purpose.

Dated: October 11, 2023

Respectfully submitted,

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BHH Affiliates, LLC, HSF Affiliates, LLC**

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 11, 2023, an electronic copy of the foregoing was filed with the Clerk of the Court by using the CM/ECF system, and service upon all counsel of record will be accomplished by the CM/ECF system.

/s/Robert D. MacGill
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